



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	23290
	Date Issued: _____	4 March 2004
	Comments Due: _____	5 April 2004

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Buckeye Gulf Coast Pipelines
1200 Smith Street, Suite 1000
Houston, Texas 77002-4300

AGENT: SWCA
4888 Langfield Road, Suite 300
Houston, Texas 77040-6663
Telephone: 713-934-9900
POC: Matt Stahman

LOCATION: The 38-mile long pipeline originates at an intersection of an existing pipeline corridor and FM 563 near the Moss Bluff area in Liberty County, Texas. The coordinates of the origin are Latitude N 29°54'44"; Longitude W 94°41'58" (N= 13,904,269.71; E= 3,330,656.76). The pipeline runs in a southern direction and enters Trinity Bay at Latitude N 29°46'42"; Longitude W 94°43'51". The pipeline terminates west of Dollar Point in Texas City, Galveston County, Texas. The coordinates of the terminus are Latitude N 29°26'16"; Longitude W 94°54'15" (N=13,730,358.13; E=3,271,411.96).

PROJECT DESCRIPTION: The applicant proposes to construct a 38-mile 12-inch diameter pipeline to transport hydrogen gas to consumers in Texas City. The project will have a 100-foot Right-of-Way and will temporarily impact 26.84 acres of wetlands. Directional drills will be utilized in crossing Hog Bayou, the Trinity River, the Houston Ship Cannel, and the Dickinson Channel/Texas City Levee. The overall project will result in 24.28 acres of temporary impacts to freshwater wetlands and 3.62 acres of permanent impacts to forested wetlands. Approximately 2.66 acres of the forested wetlands are categorized as mixed hardwood and Chinese tallow forest. The remaining 0.96 acre of forested wetland is dominated by Chinese tallow.

The pipeline route near the Houston Ship Channel, within blocks 262 and 249, crosses the oyster reef pad #5 on the west side and the South Boater Cut on the east side of the channel. The applicant is resolving these areas by utilizing directional drilling. Updated plans, of this crossing, will be available if requested within the comment period.

The applicant proposes to restore the 24.28 acres of temporarily impacted wetland areas in the proposed pipeline right of way by restoring the areas to pre-project contours and allowing the area to naturally revegetate. The applicant will achieve a success rate of 50% vegetative cover within 2 years. For the permanent forested wetland impacts of 3.62 acres, the applicant will establish an in- lieu-fee agreement with the National Fish and Wildlife Foundation at the Lower Trinity River Habitat Fund. The funds will contribute to the purchase of 15 acres of mixed bottomland hardwood habitat within the Trinity River floodplain. The 15 acres will be incorporated into the Trinity River National Wildlife Refuge. The monitoring plan is included with the project plans.

The applicant's plans are enclosed in 12 sheets. The complete project plans and the restoration and monitoring plan are available at our web site at <http://www.swg.usace.army.mil/reg/pn.asp> or a hard copy can be acquired by request to the project manager identified on page 4 of this notice.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

STATE WATER QUALITY CERTIFICATION: Texas Railroad Commission certification is required.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The permit area is likely to yield resources eligible for inclusion in the National Register of Historic Places. An investigation for the presence of potentially eligible historic properties is justified. The applicant is coordinating the Historic Places investigation with the staff archaeologist and the Texas Historic Commission. The Scope of Work is approved and the applicant is in the process of conducting their investigations.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act.

Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **5 April 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

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